

JAMES R. HAO  
ANTHONY C. MURABITO  
JOHN P. WAGNER, JR.  
GLENN D. BARNES  
MATTHEW J. BLECHER  
THOMAS M. CATALE  
JOSE S. GARCIA  
ERIC J. GASH  
LAWRENCE R. COERKE  
MICHAEL R. HARDAWAY  
LIN C. HSU  
RONALD M. POMERENKE  
JOHN F. KLAN

M. DEAN MATTHEWS  
WILLIAM A. ZARBIST  
DAVID A. GREWER  
NEAL A. OSBORN  
DAVID J. REIMLER  
CAROLINE W. SMITH  
ARTHUR M. TONSAGER, III  
JOEL D. YOUNGSI

• PATENT AGENT  
• PATENT ENGINEER

**WAGNER  
MURABITO  
& HAO LLP**  
PATENT ATTORNEYS

TWO NORTH MARKET STREET  
THIRD FLOOR  
SAN JOSE, CALIFORNIA 95113  
TELEPHONE: (408) 938-9060  
FACSIMILE: (408) 938-9069  
[www.wmhpatents.com](http://www.wmhpatents.com)

FAX COPY RECEIVED

**FAX COVER SHEET**

**AUG 12 2002**

SEND TO: Examiner Roy, S.

TECHNOLOGY CENTER 2800

COMPANY NAME: USPTO

FAX NUMBER: (703) 308-7382

TRANSMISSION DATE: 08/12/02

CDST-C130-1P  
FILE REF: 09/588.115

FROM: John P. Wagner, Jr.

PAGE NUMBERS (including this sheet): 5 OPERATOR: D. Caldwell

Notes: Please find attached the Terminal Disclaimer to Obviate for the above referenced case as filed on June 14, 2002.

Thank you.

If there should be a problem with the quality of this transmission or you do not receive all of the pages, please call the operator named above at (408) 938-9060.

### CONFIDENTIALITY NOTICE

This FACSIMILE transmission is intended only for the use of the individual or entity named above and may contain information that is confidential, attorney-client privileged and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, reproduction, distribution or use of the information contained in this transmission is strictly PROHIBITED by law. If you have received this transmission in error, please immediately notify us by telephone and we will arrange the return of the original transmission to us at no expense to you. Thank you.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lee et al.

Serial No.: 09/588,115

Filing Date: December 4, 2000

FOR: MULTILAYER ELECTRODE  
STRUCTURE AND METHOD FOR  
FORMING MULTILAYER  
ELECTRODE STRUCTURE FOR  
A FLAT PANEL DISPLAY DEVICE

Examiner: Roy, S.

Art Unit: 2879

Hon. Assistant Commissioner for  
Patents  
Washington, D.C. 20231

FAX COPY RECEIVED

AUG 12 2002

TECHNOLOGY CENTER 2800

Dear Sir:

TERMINAL DISCLAIMER (37 CFR § 1.321(b))TO OBVIATE PROVISIONAL OBVIOUSNESS-TYPEDOUBLE PATENTING REJECTION

1. Name of Assignee: Candescent Technologies Corporation

Address of Assignee: 6580 Via del Oro  
San Jose, California 95119

2. The Assignees Certify to the best of Assignees' knowledge and belief that Assignees have the entire right, title, and interest in and to the above referenced Patent Application, and represent that the undersigned is authorized to sign on behalf of the above-listed Assignees.

3. On information and belief, a copy of an Assignment or other documents that evidences placement of title of the above-referenced Application in the Assignee is recorded with the United States Patent and Trademark Office at:

CDST-C130-1P(CIP)  
Examiner: Roy, S.

-1-

Serial No. 09/588,115  
Group Art Unit: 2879

Reel: 011393

Frame: 0356

Recorded on: December 22, 2000

A certificate under 37 CFR 3.73(b) is attached hereto.

4. Assignees disclaim the terminal part of any Patent granted on the above-referenced Application, extending beyond expiration of the full statutory term of any US Patent issuing from the copending U.S. Patent Application No. 09/421,781, filed on October 19, 1999, as presently shortened by any terminal disclaimer under 37 CFR § 1.321. Assignee hereby agrees that any Patent granted on the above referenced Application shall be enforceable only for and during such period as the legal title to said Patent shall be the same as the legal title to copending U.S. Patent Application No. 09/421,781. This agreement to run with any Patent granted on the above-referenced Application and to be binding upon the grantor, its successors, or assigns.


5. Petitioner does not disclaim any terminal part of any Patent granted on the above-referenced Application prior to the expiration of the full statutory term of a Patent granted on U.S. Patent Application No. 09/421,781 as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321(a), has all claims canceled by reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for a separation of legal title to the above-referenced Application.

6. Enclosed is a check under 37 CFR § 1.20(d). The attorney of record is empowered to sign on behalf of Assignee.

Respectfully submitted,

WAGNER, MURABITO & HAO

Dated: June 14, 2002

  
\_\_\_\_\_  
John P. Wagner Jr.  
Registration No. 35,398

Two North Market Street  
Third Floor  
San Jose, CA 95113  
(408) 938-9060

☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

FAX COPY RECEIVED

AUG 12 2002

TECHNOLOGY CENTER 2800

CERTIFICATE UNDER 37 CFR 3.73(b)

Applicant: Lee et al.

Application No.: 09/588,115 Filed: May 31, 2000

For: \_\_\_\_\_

Candescent Technologies Corporation, a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark office at Reel 011393, Frame 0356, or for which a copy thereof is attached.

B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

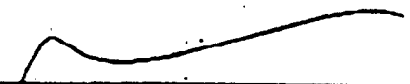
☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name: John P. Wagner Jr. Title: Attorney

Signature:  Date: 6/14/02

CDST-C130-1P(CIP)  
Examiner: Roy, S.

Serial No.09/588,115  
Group Art Unit: 2879

FAX COPY RECEIVED